

November 4, 2022

VIA ECF

Hon. Kenneth M. Karas
U.S. District Judge
U.S. District Court - S.D.N.Y.
300 Quarropas St.
White Plains, NY 10601-4150

MEMO ENDORSED

Re: *Gil v. Ally Financial, Inc. et al*
Index: 7:22-cv-05263-KMK

Your Honor:

I write on behalf of Plaintiff and Defendants Wells Fargo Bank, N.A., Top Speed Motors, LLC, L.J. Marches Chevrolet, Inc. and Hersheys Auto, Inc. to request adjournment of the upcoming initial (telephonic) conference. By Order dated October 31, 2022, the Court set the initial conference for November 9, 2022. ECF 28. I have conflict on that date. Specifically, I will be on a pre-planned trip to Seattle to attend a litigation conference. Moreover, the adjournment will allow the parties to explore early settlement and will allow the three dealership Defendants to put in their answer or otherwise respond to the Complaint prior to the conference. *See* ECF 30 (setting the dealerships' deadline for November 22, 2022).

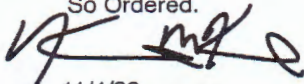
The parties respectfully request that the conference be re-set for December 9 or December 15, 2022. This is a first request for extension and does not impact any other scheduled dates. The only party that has not joined this request is Ally Financial, Inc., which has not appeared to date and is in default. I will attempt to contact in-house counsel at Ally Financial, Inc. in hopes of avoiding motion practice regarding the default.

The parties understand that pursuant to Your Honor's Individual Practice Rule I(C), this request should have been filed five business days prior to the upcoming conference and apologize for the timing of the request. However, the initial court conference in question was ordered on Monday of this week and I was out of the office for part of the week. The request is being made four days after the parties became aware of the conference and within 24 hours of the parties working out mutually agreeable dates for the proposed adjournment.

We thank Your Honor for consideration of the above request.

Granted. The conference is moved to
12/9/22, at 11:30

So Ordered.


11/4/22

Respectfully,

/s/Daniel A. Schlanger

Daniel A. Schlanger

cc: all counsel of record